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Time Set # 26.

## Board of Supervisors

**Meeting Date:** 12/12/2017

**Brief Title:** Zoning Code Amendment related to commercial and tourism uses

**From:** Taro Echiburu, AICP, Director, Department of Community Services

**Staff Contact:** Eric Parfrey, AICP, Principal Planner, Department of Community Services, x8043

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### Subject

Hold a public hearing to consider proposed Zoning Code Amendments related to commercial and tourism uses in the agricultural zones, including substantive changes to the Zoning Code regulations for special event facilities, bed and breakfast uses, and other agricultural commercial uses; approve resolution adopting a Negative Declaration for the Agricultural Commercial Zoning Code Amendment and approve ordinance adopting the Zoning Code Amendment. (No general fund impact) (Echiburu/Parfrey)

### Recommended Action

- A. Hold a public hearing to receive public comment and review the staff proposal to amend the agricultural commercial Zoning Code regulations (Attachment A);
- B. Approve the resolution (Attachment B) to adopt the Initial Study/Negative Declaration (Attachment C) as the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines; and
- C. Approve the ordinance adopting the Zoning Code Amendment (Attachment D).

### Strategic Plan Goal(s)

Sustainable Environment  
Flourishing Agriculture

### Reason for Recommended Action/Background

Yolo County has been discussing the effectiveness of zoning regulations governing commercial uses in the agricultural zones for the last two years. Numerous public workshops, Planning Commission hearings, and Board of Supervisors sessions have been held on these issues. The Planning Commission completed the last of three public hearings on the Agricultural Commercial Zoning Amendments on May 11, June 8, and July 13, 2017, and has recommended a final version of the zoning regulations (Attachment A). Staff recommends that this final version of the regulations be approved by the Board.

This item was first considered by the Board of Supervisors on September 12, 2017. Following a public hearing and extensive discussion by the Board, the item was continued so that staff could talk individually with Board members.

Since the September hearing, staff has made only minor modifications to correct typos or inconsistencies, etc. The following modification to Section 8-2.306(k)(11), has been

recommended by Supervisor Provenza:

(11) A large special event facility located on lands under a Williamson Act contract or in a Williamson Act Agricultural Preserve must be incidental to an **already established** agricultural operation and found to comply with the Williamson Act statutes, including Government Code Section 51238.1. If a finding of consistency or compatibility with the Williamson Act cannot be made, the land must have exited the Williamson Act program prior to permit approval.

Supervisor Provenza also raised the issue of adding a requirement that special event facilities be required to have two methods of access via County road. Staff has not incorporated any changes to the Zoning Code Amendments to address these two issues.

## **BACKGROUND**

In order to provide adequate background for this process, two recent Planning Commission staff reports (July 13 and April 13, 2017) have been attached to this Board report (Attachments E and F).

The key issues that have been raised and discussed at public workshops, Planning Commission hearings, and Board of Supervisors sessions include the following:

- How to define “agri-tourism”;
- How or whether to require that agricultural commercial and tourism-related uses be “incidental” to existing agriculture;
- How to define what constitutes a “Special Event”;
- The appropriate level of review (discretionary permit or non-discretionary permit) and whether to continue to allow “by right” special event facilities on large parcels;
- How to ensure consistency with the Williamson Act; and
- Appropriate agricultural spray buffer setback standards.

The resolution for each of these issues is discussed briefly below.

### Definition of "agri-tourism"

Descriptions and definitions for commercial agricultural uses, including agri-tourism uses, are found in two separate locations in the Zoning Code: Section 8-2.303 (Agricultural Use Types Defined) and Sec. 8-2.307 (Definitions). The two sections have been edited to be consistent with each other and to distinguish between “commercial agricultural” uses, which is a broad category of activities, and “agri-tourism” uses, which include only some of the “commercial agricultural” uses.

The most recent action to finalize these two sections included the striking of the following phrase: "This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the area that preserve the rural lifestyle and stimulate the agricultural economy, ~~including some tourism related uses that may be the primary use of a particular property.~~"

### Agricultural commercial uses “incidental” to existing agriculture

Revisions are proposed to require that large special event facilities, and large bed and breakfast/lodging uses, must be “incidental” to “the agricultural use of the parcel” (Section 8-2.306(k)(5) or to “an existing agricultural operation” (Section 8-2.306(l)(3)). The current definition of “incidental” that is included in another section of the Zoning Code has been repeated in Section 8-2.307. Incidental “shall mean a use or activity that is accompanying but not a major part of a primary use.”

### Definition of “Special Event”

A new definition of “special event” has been included in Section 8-2.307. It states that:

“A “special event” or “event” is a community or private gathering such as a harvest festival, wedding, farm dinner, corporate retreat, party, seasonal tasting, or rodeo, that is held at a special event facility/tasting room. An event includes all such gatherings, whether paid or unpaid. However, an event does not include small informal gatherings of family members or personal friends of the special event operator/owner.”

The purpose of this definition is to add some clarity to what constitutes an event for purposes of counting the number of events landowners are allowed -- by right, any property over 40 acres may hold 1 event per month, not to exceed 8 per year. Previously, the code distinguished between paid, for-profit events and unpaid or not-for-profit events. The new definition removes this distinction.

### Level of review

Tables 8-2.304(c) and 8-2.504(a), and the text in Sections 8-2.306(k)(5) and 8-2.306(l)(3), have been amended to require a higher level of review for large and small special event facilities, and for bed and breakfasts/lodging, in the agricultural zones outside Clarksburg, and in some of the residential zones.

For large special event facilities and bed and breakfasts/lodging in the two main agricultural zones (A-N and A-X), a Major Use Permit (public hearing before the Planning Commission) is required instead of the current Minor Use Permit (public hearing before the Zoning Administrator). For large special event facilities in the Agricultural Commercial (A-C) and Agricultural Industrial (A-I) zones, and for large bed and breakfasts/lodging in the A-C zone, a Minor Use Permit is required, instead of the current non-discretionary Site Plan Review (no public hearing).

For small special event facilities in the two main agricultural zones (A-N and A-X), a Minor Use Permit is required instead of the current Site Plan Review. This revision was debated extensively during the last Planning Commission hearings, and the straw vote to approve the change was 4-2. This could be a significant change, although staff has not received any applications for small event centers in the last several years; all of the applications have been for large facilities.

The existing level of review for small bed and breakfasts/lodging uses in the A-N and A-X zones (Site Plan Review) remains unchanged. Similarly, the existing permit requirements for large and small special event facilities and bed and breakfasts/lodging (Minor Use Permit

and Site Plan Review, respectively) remain the same in the Clarksburg Agricultural District.

For the Rural Residential and Low Density Residential zones (RR-1, RR-5, and R-L), Table 8-2.504(a) has been amended to require a Major Use Permit for small or large special event facilities. A small or large bed and breakfast/lodging use is permitted in all of the residential zones through the issuance of a Minor or Major Use Permit, respectively.

#### “By right” special event facilities on large parcels

Section 8-2.306(k)(2) of the existing regulations allows a special event facility on a 40+ acre parcel “by right” (no zoning permits required) if the use holds no more than one event per month or 8 events per year, attracts fewer than 150 attendees and generate less than 100 vehicle trips per event. After much discussion, this existing section is proposed by the Planning Commission to remain as written now.

#### Consistency with the Williamson Act and Spray Buffers

Two new sections have been added that specify that large special event facilities and large bed and breakfasts/lodging facilities under a Williamson Act contract must be found to comply with the Williamson Act statutes, including Government Code Section 51238.1. If a finding of consistency or compatibility with the Williamson Act cannot be made, the contract must be canceled or must have exited the Williamson Act program through non-renewal prior to permit approval (Sections 8-2.306(k)(11) and 8-2.306(l)(3)). This change memorializes existing law.

Williamson Act compatibility is especially relevant for special event and bed & breakfast/lodging facilities. The issue of how to define and implement an agricultural spray buffer setback between existing ag operations and proposed new uses was one of the most difficult to resolve. The Planning Commission considered a 500 foot spray buffer from existing crops and orchards to apply to allow new facilities across the board, but preferred a more discretionary approach that allowed for smaller buffers given the circumstances. Two new sections have been added to the zoning regulations for small and large special event facilities, as well as for breakfasts/lodging facilities, that require the following:

Special event facilities subject to discretionary approval shall include an agricultural spraying buffer or setback, up to 500 feet, from any nearby established and active orchard or farm field that employs spraying, measured from the outdoor areas where participants may congregate, considering recommendations from the Agricultural Commissioner based on existing nearby agricultural operations. The facility’s buffer or setback may be reduced or eliminated, either permanently or for a fixed number of years, with the approval of all owners of neighboring properties affected by the buffer. Such approval must be in writing, binding on all successors in interest, filed with the Department of Community Services and Agricultural Commissioner, and recorded with the County Recorder.

The requirement of a spray buffer, coupled with the new requirements that large special event facilities, and large bed and breakfast/lodging uses, are significant, and may preclude applications for such uses in the future which cannot meet these more restrictive

requirements.

Other revisions

Many more revisions have been discussed and recommended by the Planning Commission. These changes are summarized in the attached staff reports and can be seen in legislative font (strikeouts and underlines) in Attachment A.

**Collaborations (including Board advisory groups and external partner agencies)**

The Zoning Code has been the topic of several public meetings and has benefited from input from various stakeholders

**Fiscal Impact**

No Fiscal Impact

**Fiscal Impact (Expenditure)**

Total cost of recommended action:	\$
Amount budgeted for expenditure:	\$ 0
Additional expenditure authority needed:	\$ 0
On-going commitment (annual cost):	\$

**Source of Funds for this Expenditure**

\$0

**Attachments**

- [Att. A. Proposed Zoning Code Amendment](#)
- [Att. B. CEQA Resolution](#)
- [Att. C. Initial Study/Negative Declaration](#)
- [Att. D. Rezoning Ordinance](#)
- [Att. E. 7/13/17 PC Staff Report with Att. E & F](#)
- [Att. F. 4/13/17 PC Staff Report with Att. B & C](#)
- [Att. G. Presentation](#)
- [Att. H. Presentation 2](#)
- [Att. I. Ag Zoning Regulations Handout](#)

**Form Review**

Inbox	Reviewed By	Date
Leslie Lindbo	Leslie Lindbo	11/29/2017 12:58 PM
Taro Echiburu	Taro Echiburu	11/30/2017 11:00 AM
Carolyn West	Carolyn West	12/04/2017 10:30 AM
County Counsel	Eric May	12/04/2017 02:07 PM
<b>Form Started By:</b> Eric Parfrey		<b>Started On:</b> 11/13/2017 09:28 AM
<b>Final Approval Date:</b> 12/04/2017		